



Australian Capital Territory

Aboriginal and Torres Strait Islander Elected Body Regulation 2017

Subordinate Law SL2017-34

The Australian Capital Territory Executive makes the following regulation under the *Aboriginal and Torres Strait Islander Elected Body Act 2008*.

Dated 28 November 2017.

RACHEL STEPHEN-SMITH
Minister

GORDON RAMSAY
Minister



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1 Name of regulation

This regulation is the *Aboriginal and Torres Strait Islander Elected Body Regulation 2017*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Code of conduct for ATSIEB members

- (1) ATSIEB members must comply with the code of conduct set out in schedule 1.
- (2) The code of conduct does not displace any duty or liability that an ATSIEB member has under a law of the Territory, the Commonwealth or a State in relation to a matter covered by the code.

Note **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

6 Pecuniary and personal interests declaration

- (1) An ATSIEB member must table a declaration of pecuniary and personal interests—
 - (a) at the first meeting of ATSIEB for the ATSIEB term at which the member is present; and
 - (b) if there is a change in the information in the member's pecuniary and personal interests declaration—at the next ATSIEB meeting.
- (2) A pecuniary and personal interests declaration must contain information about—
 - (a) the ATSIEB member's current employment; and
 - (b) any body of which the ATSIEB member is a member; and
 - (c) any body in which the ATSIEB member has a financial interest; and
 - (d) the ATSIEB member's directorship of any corporation or organisation.
- (3) ATSIEB must maintain a record of pecuniary and personal interests declarations and make the record available to the Minister.

- (4) An ATSIEB member who has attended a meeting of ATSIEB before this section commences must table a declaration of pecuniary and personal interests within 6 months after its commencement.
- (5) Subsection (4) and this subsection expire 12 months after the day this section commences.

Note Transitional provisions are kept in the regulation for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

7 Role of ATSIEB chair

The ATSIEB chair has the following functions:

- (a) to act as a representative of ATSIEB;
- (b) to prepare the agenda for each meeting of ATSIEB in consultation with ATSIEB members.

Note The ATSIEB chair has other functions under the Act including:

- calling meetings ([Act](#), s 21)
- presiding at all meeting where the ATSIEB chair is present ([Act](#), s 22 (1))
- allowing an ATSIEB member to take leave ([Act](#), s 20 (2)).

8 Role of ATSIEB deputy chair

The ATSIEB deputy chair has the following functions:

- (a) to act as a representative of ATSIEB; and
- (b) to perform the functions of the ATSIEB chair when the ATSIEB chair is unable to do so.

Note The ATSIEB deputy chair also has the function of presiding at ATSIEB meetings when the ATSIEB chair is absent (see [Act](#), s 22 (2)).

Schedule 1 Code of conduct for ATSIEB members

(see s 5)

1.1 Honesty and fairness

- (1) An ATSIEB member must act honestly and fairly in exercising the member's functions under the Act.
- (2) In conducting ATSIEB business, an ATSIEB member must not apply improper influence, favouritism or patronage.

1.2 Care and diligence

An ATSIEB member must exercise reasonable care and diligence in exercising the member's functions under the Act, including by—

- (a) attending meetings; and
- (b) participating in discussions; and
- (c) reading papers; and
- (d) raising any concerns.

1.3 Conflict of interest

- (1) An ATSIEB member must take all reasonable steps to avoid any actual or perceived conflict of interest in exercising the member's functions under the Act.
- (2) An ATSIEB member must declare a conflict of interest that cannot reasonably be avoided.

Note An ATSIEB member must disclose a material interest in an issue being considered by ATSIEB—see the [Act](#), s 27.

1.4 Respect for privacy and reputation

- (1) In exercising functions under the Act, an ATSIEB member must respect the dignity and privacy of individual members of the Aboriginal and Torres Strait Islander people living in the ACT.
- (2) An ATSIEB member must consider the rights and reputation of a person before making a statement in relation to the person to another member, the community or the ACT Government.

1.5 Confidential information

- (1) An ATSIEB member must not take improper advantage of information gained through being an ATSIEB member.
- (2) An ATSIEB member must not improperly disclose confidential information the member has obtained through being an ATSIEB member.

Example—improper disclosure

forwarding an email intended only for the confidential consideration of ATSIEB members to a person who is not an ATSIEB member

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

1.6 Accountability and transparency

- (1) An ATSIEB member must not improperly use a territory resource.
- (2) An ATSIEB member must use public resources in an open and accountable way.

1.7 Mutual respect

- (1) In exercising functions under the Act, an ATSIEB member must treat other members, ACT Government employees and the public professionally and with respect.
- (2) In exercising functions under the Act, an ATSIEB member must not bully, harass or intimidate anyone.

1.8 Accessibility

- (1) An ATSIEB member must ensure that the member is reasonably accessible to the Aboriginal and Torres Strait Islander people of the ACT.
- (2) An ATSIEB member must conscientiously represent the interests of Aboriginal and Torres Strait Islander people of the ACT.

1.9 ATSIEB chair

The ATSIEB chair must perform the chair's functions under the Act in a way that—

- (a) encourages ATSIEB to make decisions; and
- (b) encourages all ATSIEB members to participate in discussions; and
- (c) ensures that discussions are fair and open; and
- (d) maintains a constructive working relationship with government agencies and other stakeholders.

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACT
- body
- Commonwealth
- in relation to
- law
- Minister (see s 162)
- must (see s 146)
- person (see s 160)
- State.

Note 3 Terms used in this regulation have the same meaning that they have in the *Aboriginal and Torres Strait Islander Elected Body Act 2008* (see [Legislation Act](#), s 148). For example, the following terms are defined in the *Aboriginal and Torres Strait Islander Elected Body Act 2008*, dict:

- ATSIEB
- ATSIEB chair
- ATSIEB deputy chair
- ATSIEB member
- ATSIEB term.

code of conduct means the code of conduct set out in schedule 1.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 29 November 2017.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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